



SEXUAL HARASSMENT

I. INTRODUCTION

Walla Walla Community College (WWCC) is committed to ensuring faculty, staff and students work and learn in an environment where mutual respect and consideration are demonstrated by all community members. It is important that all community members understand that sexual harassment is unacceptable and know that it will be dealt with promptly and effectively. This Administrative Procedure is written to establish the methods by which WWCC will show reasonable care in the prevention of sexual harassment.

II. APPLICABILITY

This procedure applies to all faculty, staff, students, contractors, visitors, volunteers, and vendors on any WWCC campus and/or location where WWCC is holding classes or participating in any college-related activity.

III. DEFINITIONS

- A. Sexual harassment is a form of sex discrimination and is an unlawful employment practice under Title VII of the 1964 Civil Rights Act, RCW 49.60 (Washington State Law Against Discrimination) and Washington State's Executive Order 89-01.
- B. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance. Sexual harassment of students can be a form of discrimination prohibited by Title IX.
- C. The Federal Equal Employment Opportunity Commission (Section 1604.11) and the Office of Civil Rights of the Department of Education define sexual harassment as:
 1. Quid Pro Quo Harassment – An agent of the college (administrator, supervisor or faculty member) explicitly or implicitly conditions an employee or student's participation in work or an education program or activity, or bases an employment or an educational decision on the employee or student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful whether the employee or student resists and suffers the threatened harm or submits and thus avoids the threatened harm.
 2. Hostile Environment Sexual Harassment – Sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to:

- a) limit an employee or student's ability to participate in or benefit from a work environment or an education program or activity, or
 - b) create a hostile or abusive work or educational environment.
- D.** Sexual harassment is misconduct that undermines the integrity and quality of the work/education environment and related relationships and is unfair to the people who are subjected to it and to those who witness it. All community members must be allowed to work or learn in an environment free from unsolicited and unwelcome sexual overtones. Sexual harassment hurts morale and interferes with the work productivity/learning of victims, witnesses and harassers.
- E.** Sexual harassment often involves relationships of unequal power and contains elements of coercion as when compliance for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, such as student to student or co-worker to co-worker, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work.
- F.** Sexual harassment can be in the form of verbal behavior, such as unwanted sexual comments, suggestions, jokes, or requests for sexual favors; persistent, unwelcome flirtation, advances and/or propositions of a sexual nature; repeated, offensive, and unwelcome insults that are sexual in nature; jokes about gender-specific traits; repeated, unwelcome comments of a sexual nature about an individual's body or clothing; pressure for dates or sex, if unwelcome and repeated; stating or implying to an employee or student that sexual relations are a condition of employment or grades.
- G.** Sexual harassment can be in the form of non-verbal behavior, which may include gestures, leering, pictures, cartoons or displayed offensive sexual graffiti, language, or other materials.
- H.** Sexual harassment may be physical behavior such as assault, molestation, touching, patting, pinching, hugging or repeated brushing against a person's body.

II. RESPONSIBILITIES

- A.** All members of the college community are responsible for ensuring that their conduct is not sexually harassing to any other member of the college community. Administrators, supervisors and faculty have the responsibility of helping to prevent and eliminate sexual harassment within the areas they oversee.
- B.** If administrators, supervisors or faculty know sexual harassment is occurring, receive a sexual harassment complaint, or obtain other information indicating possible sexual harassment, they must report this information to their immediate supervisor, to the Vice President of Student Services, or to the Human Resource Director, even if the problem or alleged problem is not within their area of oversight.
- C.** WWCC will provide training and education to employees to prevent and eliminate sexual harassment in the workplace. Training will also be provided to supervisors and managers on how to handle sexual harassment complaints.

- D. It is not the intent of WWCC to regulate social interactions or relationships that are consensual, voluntary and freely entered into by employees or individuals performing business with the college community where such relationships do not impact the performance of professional duties.

III. COLLEGE RESOURCES

College resources are available to assist in resolving incidents of sexual harassment. If you are faculty, staff or a volunteer, you may bring your concern to your supervisor, department administrator, or the Human Resources Director. If you are a student you may contact the Title IX Officer, or a college Vice President.


IV. COMPLAINT PROCEDURES

- A. Any employee or student of Walla Walla Community College who believes s/he is being sexually harassed is encouraged to take steps to stop the harassing behavior. The Grievance Procedure for WWCC includes steps that progress from an informal meeting to a presidential appeal.
- B. If an individual wishes, s/he may bypass the Grievance Procedure and file a claim directly with the Office of Civil Rights, the Equal Employment Opportunity Commission, or the Human Rights Commission, as provided in the Grievance Procedure.
- C. Due to damage that could result to the career and reputation of any person falsely or in bad faith accused of sexual harassment, all investigations and hearings surrounding such matters will be confidential and designed to the maximum extent possible to protect the privacy of, and minimize suspicion toward, the accused as well as the complainant. Only those persons responsible for investigating and enforcing such matters will have access to confidential communications as allowed by law.
- D. If there appears to be no foundation to the allegation of sexual harassment, no record shall be made of the allegation in either the accused or the accuser's official records.
- E. If a foundation for the allegation exists and the complaint is resolved informally at Step 1 of the Grievance Procedure, no formal record need be made of the incident. An admission of guilt, an acknowledgement of a verbal warning, a promise not to commit such behaviors again, and action taken to provide appropriate relief for the aggrieved party is sufficient. A record of informal resolutions will be kept in the office of the supervisor or Human Resource Director participating in Step 1.
- F. If the allegation cannot be resolved at the Step 1, informal meeting level, or if the accused does not follow through with the agreement reached at the informal meeting, the complaint may be taken directly to Step 2, the Official Hearing level.
- G. If it is determined at the Official Hearing that sexual harassment has occurred, disciplinary action may be taken. If the accused is a student, the Vice President of Student Services will initiate disciplinary action as described in the Student Code of Conduct. If the accused is an employee, existing procedures negotiated in faculty and classified staff collective bargaining agreements will be followed. For non-represented employees, other reasonable disciplinary steps shall be used.

V. AUTHORITY

The WWCC Board of Trustees approved a Sexual Harassment Policy for the College in January 2004. This Administrative Procedure supersedes that Policy. The authority for this Administrative Procedure comes from the Board of Trustees Delegation of Authority Policy, approved April 20, 2005.

This Administrative Procedure was reviewed by the Diversity Committee, Faculty Senate, College Council and Admin. Council.

Authorizing Signature:  _____ 11/16/10
(Date)